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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

**NOTICE OF APPEAL**

The customers set forth on the attached Schedule A (“Customers”) hereby appeal under 28 U.S.C. Section 158(d) to the United States Court of Appeals for the Second Circuit from the Court’s Memorandum Decision and Order Granting, to the Extent Set Forth Herein, the Trustee’s Motion for an Order Affirming the Trustee’s Calculations of Net Equity and Denying Time-Based Damages (ECF No. 5463) (“Order”) (Exhibit 1) entered in the above-captioned action on September 10, 2013. On September 20, 2013, the Customers and numerous other parties jointly requested that the Court certify the Order for direct appeal to the Second Circuit pursuant to 28 U.S.C. Section 158(d)(2). *See* Request for Certification (ECF No. 5488) (Exhibit 2). That request remains pending.

In the alternative, and in the event the United States Court of Appeals for the Second Circuit does not authorize a direct appeal of the Order, Appellants appeal the Order to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. Section 158(a)(1). Although the Order is final and appealable pursuant to 28 U.S.C. Section 158(a)(1), to the extent it should be deemed interlocutory, the Customers request that this Notice be deemed a motion for leave to appeal for the reasons set forth in the Request for Certification (Exhibit 2) or that they be permitted to file a motion for leave to appeal. *See* Bankr. R. P. 8003(c); 28 U.S.C. § 158(a)(3).

The names of all parties to the Order appealed from and the names, addresses, and telephone numbers of their respective attorneys are set forth in the attached Schedule B.

Dated: September 24, 2013

s/ Jennifer L. Young

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## SCHEDULE A

### Customers Represented by Milberg LLP and Seeger Weiss LLP

<b>Customer</b>	<b>Account No.</b>	<b>Customer Claim No.</b>	<b>Objection Docket No.</b>
2427 Parent Corporation	1T0058	005311	1020
Advent Management Corp. Pension Plan and Trust	1ZA466	009527	3266
Albert Family Retirement LP	1CM379	006902	1019
Albert J. Goldstein u/w FBO Ruth E. Goldstein	1ZA736	009316	398
Albert, Gary	1CM015	009762	2192
Andrew Katz and Deborah Katz JT	1KW342	001850	2014
Aspen Fine Arts Co.	1EM381	009406	707
Aspen Fine Arts Co. Defined Contribution Plan	1EM320	009020	708
Aspen Fine Arts Co. Defined Contribution Plan	1EM414	011426	2029
Blumenthal, Gerald	1B0166	006832	2366
Brown, Elizabeth Harris	1B0140	001691	2146
Capper, Jan Marcus	1EM468	011109	680
Damron, Judith G.	1ZA244	001150	574
Deborah G. Katz and Deborah Katz as Custodian for Alexander and Jason Katz TIC	1KW202	001841	2013
Denver, Ann	1ZA470	009710	409
Diane Sloves as Tstee Under Rev Tst Agreement Dtd 10/13/00 for the Benefit of D. Sloves	1S0274	009122	2409
Do Stay, Inc.	1D0040	002266	2820
Dorothy B. Seldon Revocable Living Trust	1ZA437	006616	696
Douglas G. Brown, Trustee of the Douglas G. Brown Revocable Trust	1B0139	015094	2439
Eisenberg, Norton A.	1CM296	008937	435
Elbert R. Brown Trustee UTD 12/29/88	1B0073	002263	2288, 3122
Elbert R. Brown Trustee UTD 12/29/88	1B0142	002696	N/A
Export Technicians	1ZA794	014260	436
Forecast Designs Retirement Trust	1F0140	008441	1047

Franck, Lewis R.	1ZA440	015368	733
Friedman, Amy Thau	1ZA468	009525	669
Gabriele, P. Charles	1CM431	009180	886
Gerberg, Irving	1ZG029	014262	484
Goldenberg, Stephen R.	1CM391	010950	460
Goldman, Judith Rock	1ZW013	009794	396
Goldman, Judith Rock	1ZA490	009795	867
Goldstein, Ruth E.	1ZA735	009314	912
Goldstein, Ruth E.	1ZR125	009315	941
Gross, Marilyn Cohn	1ZA409	007054	718
Guberman, Jerry	1ZR060	010171	382
Harris, Barbara	1H0092	002704	2753
Jack Kaufman and Phyllis Kaufman JTWROS	1KW142	006571	2221
Jerry Guberman Trust Dated 12/23/93	1ZA407	009416	711
John Denver Concerts, Inc. Pension Plan Trust	1ZB085	009526	687
John Malkovich Pension Plan & Trust	1ZB131	007013	2120
Joseph S. Popkin Revocable Trust Dtd 2/9/06 Robin Popkin Logue	1ZA121	008885	861
June Pollack T/O/D to Keith L. Pollack and Cary G. Pollack	1CM884	000530	1080
Karimian, Anita	1ZW019	010930	397
Karimian, Anita	1ZA142	010932	870
Katharine Brown Trust	1B0141	004020	1136
Kenneth D. Bane 2006 Trust	1B0217	010437	671
Kolodny, Lester	1K0138	001066	672
Lawrence I. Brown and Barbara Brown JTWROS	1B0154	002892	2845
Leif, Laurence	1L0142	001204	2351
Linda Berger & Howard Berger J/T WROS	1ZB547	005115	1998
Malkovich, John G.	1ZB237	009529	3601
Martin Gelman and Michale Dancer JT/WROS	1ZB516	008502	705
Michael Mathias and Stacey Mathias JTWROS	1M0100	002619	2963
Michael Silverstein & Sandra Silverstein J/T WROS	1ZA569	004678	548
Michaeli, Jonathan	1ZR304	007984	2277
NTC & Co. FBO Leila F. Sobin	1S0457	006479	829
Nur C. Gangji Trustee under Nur C Gangji Trust	1ZA201	008827	854

Onesco International, Ltd	1FR121	009658	668
Ostrove, Michael H. and Ostrove, Lisa	1CM360	008589	670
Potamkin Family Foundation I, Inc.	1P0107	005312	709
Potamkin Family Investments, Inc.	1P0108	005313	N/A
Potamkin, Lexie	1P0113	005310	N/A
Potamkin, Robert	1P0089	011263	1777
Potamkin, Robert & Lexie	1P0097	011264	710
Robert Horowitz & Harlene Horowitz as Trustees of the Horowitz Family Trust	1H0084	009145	885
Robin I. Logue and Peter Logue as cotrustees of the Logue Family Revocable Trust	1L0329	008883	2389
Robinson, Paul J.	1EM299	000469	370
Rosenberg, Delia Gail	1R0250	011095	2509
Roth, Florence	1R0047	000712	2449
Roth, Lynda	1R0054	000721	2374
Roth, Michael	1R0102	000722	2272
Roth, Michael	1R0057	000715	2373
Roth, Richard	1R0103	000711, 009177	2271
Roth, Richard	1R0060	000710	2448
Schlachter, Marvin	1S0185	010954	913
Schlachter, Trudy	1S0293	011044	915
Schlossberg, Barbara	1ZG022	000328	706
Seldon, Bernard (IRA)	1ZR050	006615	453
Serper, Lynn Lazarus	1EM243	010195	2346
Sloves, Joseph	1S0403	007959	1949
Sobin, Jonathan	1EM208	008501	2469
Sobin, Leila F.	1EM210	008499	2408
Steven V. Marcus Separate Property Marcus Family Trust	1EM469	002882	873
Thau, Harold A.	1ZA467	009522	450
Thau, Harold A.	1ZR261	009523	451
Thau, Michael E.	1ZB275	009524	676
The Adina Michaeli Revocable Trust	1ZR305	007983, 009009	2214
The Aspen Company	1ZA471	009528	452
The Marcus Family Limited Partnership	1EM248	002880	872
Trust U/W/O Harriette Myers	1CM316	009521	712
Viola Brown Trustee UTD 12/29/88	1B0078	002317	2343, 3121
Viola Brown Trustee UTD	1B0128	002695	N/A

12/29/88			
Westben Corp.	1CM336	008931	2185
Woessner, William M.	1CM275	000802, 006608	673
Woessner, William M. & Sheila A.	1CM191	000450, 006829	2766

**Customers Represented by K&L Gates LLP**

<b>Customer</b>	<b>Account No.</b>	<b>Customer Claim No.</b>	<b>Objection Docket No.</b>
Estate of Doris M. Pearlman (IRA)	1P0099	006373	N/A
Estate of Doris M. Pearlman (IRA)	1P0099	006869	N/A
Estate of Doris M. Pearlman (IRA)	1P0099	015649	N/A
Estate of Doris M. Pearlman (IRA)	1P0099	015652	N/A

## **SCHEDULE B**

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